

DAVID T. MALOOF (DM 3350)
THOMAS M. EAGAN (TE 1713)
MALOOF BROWNE & EAGAN LLC
411 Theodore Fremd Avenue, Suite 190
Rye, New York 10580-1411
(914) 921-1200
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

SOMPO JAPAN INSURANCE COMPANY OF
AMERICA and SOMPO JAPAN INSURANCE,
INC.

:

07 Civ. 2735 (DC)

:

:

Plaintiffs,

- against -

:

**REPLY DECLARATION OF
THOMAS M. EAGAN IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

:

NORFOLK SOUTHERN RAILWAY
COMPANY, NORFOLK SOUTHERN
CORPORATION and THE KANSAS CITY
RAILWAY COMPANY

:

Defendants.

----- X

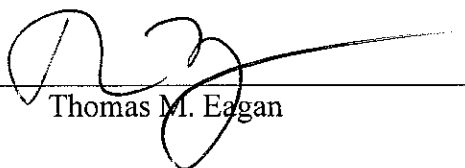
I, Thomas M. Eagan, declare that I am a partner of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. I attach as Exhibit 21 a true copy of the rail services agreement dated April 1, 1996 between certain railroads and Sea-Land Service, which was at issue in *Sompo Japan Ins. Co. of America v. Union Pac. R.R.*, 456 F.3d 54 (2d Cir. 2006), on remand 2007 WL 2230091 (S.D.N.Y. 2007)(J. MacMahon).
2. I attach as Exhibit 22 a true copy of the "Exempt Rail Transportation

Agreement” between Union Pacific and K-Line, at issue in *Sompo Japan*
v. *Union Pacific*, 02 civ 9523 (9/26/05 S.D.N.Y.)(Judge Batts).

I declare the foregoing is true and correct under the penalty of perjury of the laws
of the United States.

Dated: Rye, New York
October 1, 2007



Thomas M. Eagan

To: All Counsel